

Dear WDFW Commission Chair and WDFW Commissioners,

June 14, 2013

Respectfully, we, the ADA Advisory Committee to the Commission for Persons with Disabilities under RCW 77.04.150, have unanimously agreed on the contents of this document and its importance in addressing the ADA petition submitted by Mr. Palmer.

Recently, we, the Committee passed a motion to encourage the Washington Department of Fish and Wildlife to move forward with changes to the current sighting devices in the crossbow language. This has been a controversial rule since its establishment.

We, the Committee, hope to provide you with a clarification of the request, a review of our findings and offer an ADA based resolution that is in the best interest of all parties.

Clarification of Request:

Allow Mr. Palmer and other Disabled Hunters with upper extremity impairments who have applied for and been issued an ADA Special Use Permit Accommodation for Crossbow, the ability to hunt with their commercially retailed, publicly available, equipment with the manufactures factory installed scope or red dot sight device mounted within any season.

Allow Mr. Palmer and other Disabled Hunters with ADA Special Use Permit Accommodations to begin hunting with their factory installed sight devices on Crossbows this 2013 season.

Create additional Archery Special Hunt Permits for Hunters with Disabilities.

Review of Findings:

Current WAC regulations allow hunters with upper extremity impairments rendering them unable to hunt with conventional devices the opportunity to receive an ADA Special Use Permit Accommodation for Crossbow meeting Section 504 by providing equal access to programs, activities, services, and equipment.

However, current WAC regulations also require hunters who received ADA Accommodations for Crossbows to remove the manufactures factory installed scope or red dot sight device and purchase a peep and pin set. This additional required purchase creates a financial hardship for these hunters with disabilities costing up to \$205.00 – MFO Pin Sight by Black Water.

Factory installed scopes or red dot sights, are an integral design application of the crossbow. Drilling and tapping a non-conforming pin sight is not recommended by the five manufactures interviewed (names provided below) and will invalidate the crossbow's warranty. This crude abnormal installation and warranty loss creates a hardship for these hunters with disabilities given an ADA Accommodation.

New WAC regulation allows the general public to hunt with crossbow with ANY scope device mounted in restricted areas during modern firearm season.

Current WAC regulation for Blind/Visually Impaired is from the Social Security Act of 1934. It is out of date and does not accommodate currently recognized visual impairments such as cataracts, macular degenerative disease, glaucoma, and strabismus are a few examples.

Concerns:

Providing ADA Accommodations for persons with disabilities and then creating hardships out of those accommodations is in direct violation of the Americans with Disabilities Act of 1990, Rehabilitation Act of 1973, Title VI and Section 504. Also, allowing the "General Public" to hunt using a crossbow with ANY scope device mounted, no matter what season is discriminating against those disabled hunters with ADA Crossbow Accommodations who are required to remove their manufactures factory installed scope or red dot sight device. Many hunters will not meet the strict out of date visual requirements. And offering only two archery special hunt permits and over two hundred twenty six modern firearm special hunt permits to persons with disabilities is not distributing equal access to seasons.

ADA Based Recommendation:

* Approve Mr. Palmers Petition.

* Endorse 2013 Hunting Season Emergency Rule allowing Mr. Palmer and other Disabled Hunters with upper extremity impairments who have applied for and been issued an ADA Special Use Permit Accommodation for Crossbow, the ability to hunt with their commercially retailed, publicly available, equipment with the manufactures factory installed scope or red dot sight device mounted.

* Authorize WDFW to move forward with WAC changes to crossbow/scope language to allow Mr. Palmer and other Disabled Hunters with upper extremity impairments who have applied for and been issued an ADA Special Use Permit Accommodation for Crossbow, the ability to hunt with their commercially retailed, publicly available, equipment with the manufactures factory installed scope or red dot sight device beginning in the 2014 season.

* Permit the addition of Archery Special Hunts for Hunters with Disabilities.

We, the Committee, unanimously agree the above ADA Based Recommendations will resolve Mr. Palmer's petition, meet the Americans with Disabilities Act of 1990, Title II, Title III, Rehabilitation Act of 1973, and Section 504 for state agencies receiving grants and federal funding, and provide equal access to programs, activities, services, and equipment.

Sincerely,

ADA Advisory Committee to the Commission for Persons with Disabilities – seven members.

Manufactures: Parker Bows, Barnett Bows, Ten Point Bows, Horton Bows, Diamond Archery.